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PHILLIPS ORM & FITZ 61299294511

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AU *Applic. No. 25784/99*
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27 September 2001

Your Ref : 621249

Examiner's first report on patent application no. 25784/99
by CONTINENTAL PET TECHNOLOGIES, INC.

Last proposed amendment no. 5

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet, the amendments already made under the Articles of the PCT dated 27 April 1999 and the statement of proposed amendments under S104 of 17 August 2000. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. The invention has not been fully described as I cannot determine precisely where the invention lies. Part of the description is concerned with oxygen-scavenging compositions comprising a polyamide and cobalt, part of the description is concerned with containers with an optimised wall thickness and yet other parts of the description are concerned with heating polyamides to enhance their oxygen-scavenging properties. It is not clear that all of these aspects are necessarily related so as to form a single inventive concept. Consequently it is not clear that the claims all refer to the one invention.

Final opinion on the fair basis of the claims is reserved pending resolution of objection 1.

Claims 1-19, 22, 24, 30, 55, 76, 77 and 79 are not novel and lack an inventive step when compared to EP 520 257. This document clearly describes packaging compositions comprising oxygen-scavenging compositions of polyamides and a transition metal compound, preferably a cobalt compound.

Claim 55 does not define the invention. The applicant's invention would appear to be concerned with oxygen-scavenging compositions used in packaging but this claim does not appear to address this intention at all.

Claims 1, 2, 6, 9-12, 15-18, 24 and 76 are not novel and lack an inventive step when compared to EP 507 207. This document discloses oxygen-scavenging compositions of unsaturated hydrocarbons and a transition metal.

Claims 1-6, 9, 12, 15, 22, 24, 30, 55, 76, 77 and 79 are not novel and lack an inventive step when compared to EP 301 719. This document discloses packaging compositions of an

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